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THE REMEMBRANCER,

OR

DEBTORS PRISON RECORDER.

"HE WHO'S ENTOMB'D WITHIN A PRISON'S WALLS
ENDURES THE ANGUISH OF A LIVING DEATH"

VOL. I.

NEW-YORK, SATURDAY APRIL 8, 1820.

No. 1.

THE
DEBTORS PRISON RECORDER
IS ISSUED FROM THE PRESS OF
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quarterly in advance.

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paper regularly forwarded to them by
mail, provided they forward the requi-
site advance, *post paid*.

TO THE PUBLIC.

THE chief object of this publication
will be to spread before an enlightened
public the deplorable effects resulting
from the barbarous practice of impris-
onment for debt—to exhibit the
misery of its wretched victims, and
the unfeeling conduct of un pitying cre-
ditors. By these means, "with truth
as its guide, and justice for its object,"
it will, it is hoped, gradually prepare
the minds of the community for the
entire abolition of a law which exists
a dishonor to the precepts of Chris-
tianity, and as a blot on the statute
book.

It will be published weekly, in an
octavo form, each number to consist
of eight pages, comprising a succinct
and correct history of the interesting
incidents which daily occur in the
debtors prison—a correct Journal of
prisoners received and discharged from

time to time, with such remarks as may
grow out of peculiar persecution or
other causes; nor will it neglect to
announce the number of those who are
supplied with food from that inestima-
ble body, the Humane Society, to
whom the profits of this publication
will be faithfully applied, as a small
testimonial of the gratitude felt by the
unfortunate inmates of the prison, for
their distinguished beneficence. It will
contain interesting extracts from the
latest European and American publi-
cations. In its columns will be found
a variety of communications on various
interesting subjects, from gentlemen
without the prison walls, who have
kindly volunteered their services to
furnish us with essays on the ARTS AND
SCIENCES, criticisms on the DRAMA,
POETRY, &c.

This work will be edited, and its
matter carefully revised by several
prisoners, who, if they cannot them-
selves enjoy the benefits of their la-
bor, may at least feel a pleasure in
the reflection that after ages will be-
stow a pitying tear on their sufferings,
and bless them for the exertions made
to rescue their country from the only
vestage of feudal tyranny remaining
in a land that boasts of freedom.

The small pittance paid for its pe-
rusal, will, it is believed, procure for
it the patronage of a generous public,
who will be amply remunerated in
performing a duty subserving the great
and benign ends of Charity, while in
return they are furnished with a spe-
cies of reading not to be met with in
any other publication.

From the National Advocate.

BANKRUPT LAW.

ATTEMPTS have been so frequently made in Congress to obtain the passage of a bankrupt law, and without success, that the states must now relinquish the hope, and modify their insolvent laws to suit the exigency of the times, and give a reciprocal protection to debtor and creditor. In this state there is much to be done. The law is very defective in several respects; and instead of being a *benefit*, which it was intended to be, it operates as a real grievance to many *honest* debtors—we say honest, because, if there are rogues in trade, it will not be disputed that honest men may be unfortunate. A creditor may “call a jury at the first hearing,” and when the trial comes on he may upset the application. From this there is no appeal, although no fraud may have been made to appear: yet a specification, however irrelevant, is made good. This irrelevant specification is confirmed; that, however, is of no moment to the jury—they find the specification true, and, the court not examining whether the specification contains objections embraced by law, the applicant is put back; and in consequence of the right of appeal being refused, he has to go over the whole of the proceedings, which will take him an additional three months, making it six months before the poor broken down insolvent can obtain his release, and even then he may be put back upon the ground of some informality!

1st. The law ought to contain a clause allowing an appeal or postponement where evidence is wanting and can be had, (but which the insolvent was not *aware of*, until his appearance before the jury) and no fraud shown.

2d. *Any* citizen qualified to vote ought to be allowed to serve as a jurymen in an insolvent's case. As the

law now stands, we are made to learn, for the first time, that none but freeholders can do justice to a creditor, or between man and man.

3d. The commissioner ought to have power to *compel* the attendance of jurors, or *supply* their places. It has already happened that an insolvent's case was postponed nearly a month in consequence of some of the jury not attending when summoned.

4th. The law ought to be rendered *plain* and *intelligible*. A case recently occurred, where the insolvent was put back, and upon irrelevant specifications; and, after going through all the forms of a second application, the creditors opposed, on the ground, that he had no right to a second hearing—that his first petition being dismissed, he was barred from embracing the benefit of the law.

5th. A clause ought to be inserted which should release the *bail*, for the insolvent, upon his handing an authenticated copy of his discharge to the sheriff. As the law now is, the discharge of the *insolvent* does not release the *bail*, without going to the trouble and expense of exonerators.

Such is the uncertainty of this abortion of a law, and that such gross crudeness should have been sanctioned by a former Legislature, is truly surprising. It is to be hoped the present Legislature will remedy its defects—and if they are not disposed to follow the enlightened policy of Pennsylvania and Tennessee, in finally abolishing imprisonment for debt, they may be led to discover, there is as much real barbarity in a creditor locking up a poor and honest debtor, without *means to support him*, as in putting to death captives taken in battle. This is not alone our opinion of the defects of the law, but the opinion of others more conversant on the subject. At all events, a weekly allowance should be paid by creditors to sustain life in their imprisoned debtors if imprisonment

for debt is not abolished, or the law modified. And while we are on the subject, it is well to repeat, that the filthy dungeon in which debtors are confined, is a disgrace to humanity and to the city. The miserable occupants of that dilapidated building cannot breathe a pure or wholesome air. Grand juries should present it as a nuisance, and the different benevolent institutions in the city should make it an object of their particular attention. It is the decayed condition of the building, and its want of every comfort and convenience, that renders it a nuisance to the neighborhood and its tenants.

The following interesting article on imprisonment for debt, is from the pen of Samuel Woodworth, Esq.

The elegant temple of JUSTICE, for this city and county, yclept the *City Hall*, is correctly esteemed as the paragon of architectural beauty, shape, and proportion. It is pleasantly situated near the centre of the city, at an equi-distance between our two great rivers, with a verdant promenade spread before and behind, intersected with gravelled walks, and planted with flourishing trees, whose refreshing shade render it at once inviting and healthy. In the rear stands an extensive edifice consecrated to the arts and sciences—the New-York Institution, the centre point or focus which collects the rays of genius from every section of our country. On the highest pinnacle of her temple, we behold an effigy of the goddess Astræa, displaying the symbols of her office, and apparently claiming homage for *equity* and admiration for *elegance*. But, alas! on her right and left stand two frowning monsters that give the *lie direct* to her *modest* pretensions. Were she not *deaf* as well as *blind*, she might hear the curses of the guilty on her right,

sadly responded by the groans of the suffering *innocent* on her *left*. Were she not a wooden idol, senseless as the *prejudice* which worships her, she might perceive *pampered felony*, on the one hand, fed from the public coffers, and *starving honesty* on the other, depending upon the precarious pittance of casual charity; the *former* planning schemes of future depredations—the *latter* drooping in despair for unmerited sufferings! O ye framers of laws, and guardians of human rights—

"Call you this *Justice*?—to your trusted hands
She gave her scales, and you weigh falsehood
with them—

She gave her sword, and 'gainst herself you
turn it—

Of all her awful ensigns, ye retain
Her bandage only! marry, that ye have stolen,
To blind your eyes withal.

The force of prejudice, education, and custom, is truly astonishing. It is nothing else that reconciles man to the monstrous inconsistencies which surround him. It is this alone that kindles the funeral pyre of the widowed Hindoo, and feasts their giant idol with human blood. It is this that fills a Turkish seraglio, an Italian convent, and a Spanish Inquisition; and it is this, and this alone, that preserves our *Debtors Prisons* from the fate of the French *Bastile*. The Inquisition and the Bastile *we now* reprobate with horror, and pity while we wonder at the terrible infatuation which could have instituted and supported them. Thus we readily perceive the mote in our brother's eye, but are not aware of the beam in our own. We do not reflect that posterity may read of *our persecutions* with equal horror, and pity the infatuation of *their* fathers.

The "march of mind" is slow, but certain. The night of Gothic darkness has fled, and the dawn of reason is succeeded by the rising of a glorious sun which will never set. As it ascends to the meridian of the moral

hemisphere, the clouds of bigotry, prejudice, and superstition, will be all gradually dispersed; enlightened reason will become the faithful handmaid of Revelation, and the monsters we now cherish and hug to our bosoms, (because our fathers called them good) will be consigned to their native hells. They will then be remembered with the same feelings that we now experience while reading of the human sacrifices of Asia; the *auto de fees* of Europe, the unhallowed traffic of Africa, and the persecutions for quakerism, and executions for *witchcraft*, which have disgraced America.

It is only because we dare not think for ourselves, but suffer the reins of our intellect to be held by the fleshless shrivelled hand of Tradition, that we are guilty of so many follies, absurdities, and inconsistencies; among which may be ranked *Imprisonment for Debt*; putting liberty and property upon a par; the birth-right of angels and men in one scale, and a heap of earth in the other. The former is spiritual, and aspires like the soul to heaven—the latter is dirt, and descends like the body to its kindred earth. The system is a monster; the blackest fiend in the court of Beelzebub—yet he has so imposed on the eye of prejudice, as to be mistaken for an angel of light. But his reign, we trust, is nearly at an end.

Enlightened and benevolent minds, in all countries, and of all denominations, are daily becoming convinced of the injustice, impolicy, and cruelty of the system we oppose. The sacred cause of justice and humanity is now urged from the pulpit, the rostrum, and the press—and the friends of mercy will never hold their peace, but continue to “cry aloud and spare not,” until complete success shall crown their pious labors.

TO BE CONCLUDED.

SABBATH.—No. 1.

Another week of Imprisonment, is added to more than twenty already endured. If by prosecution and persecution my creditor can get payment of the debt due from me to him, he is indeed in a fair way of recovery; for he can make a levy on the Soup furnished me by the good Samaritans, the Humane Society, or by a seizure of my wife and children. But the latter he will not do; they must be fed and clothed, which none but me or the public alms will do. Ah! lovely children! Poor little helpless innocents! love and respect your mother, and your Heavenly Father will love, guard and protect you; he will provide for you food and raiment, conduct your footsteps, and bring you at last to his Heavenly home. But of my wife, my dearly beloved Maria, what blessing can I give her; of money I have none; I have nothing to offer except a husband's love. At this moment I am interrupted by the sight of my wife, trudging amid rain and sleet to the door of the Prison, and bearing on her arm my basket of food, and dangling by her side comes my poor little Mary. The ringing of the bells in the various Churches, announce that we have reached another Sabbath; but it is to me no Sabbath, for the messenger of mercy cheers not the tenants of this gloomy Prison, by proclaiming the compassion and mercies of Him, who said “I was sick and ye visited me; I was in prison and ye came unto me.”

I am now dandling my darling child on my knee, and the rigours of imprisonment seem softened by the patience and fortitude of my wife, under accumulated sufferings the tear of melancholy has been kissed and wiped from my cheek by this innocent cherub, who has beguiled two hours of their visit.

It is now time for their attendance at St. George's Church, and my mind seems involuntarily drawn to the com-

temptation of that passage to be found in our old Prayer books, wherein it is said in the Lord's Prayer, "Forgive us our debts as we forgive our Debtors," and I am constrained to acknowledge that I am pleased to observe that this hypocritical part is changed to something more congenial to the feelings and practice of civil society as it now is.

Away they go, clad in dresses of cleanliness, to meet their dear help-mates, brothers and sisters, and receive the blessing of Him who in old time said, "Suffer little children to come unto me, for of such is the kingdom of Heaven." The Reverend Pastor of this respectable church will teach them the initiatory duties of children, by hearing their recitals of the Catechism, and by giving them to understand its primary obligations, and by comforting their dear mother in her privation and distress.

O blessed Saviour and Redeemer of the World! it was for trials and sufferings like these that thou made thyself manifest in the flesh, and proclaimed the glad tidings of universal salvation to all who should believe on thy divine mission, be pleased to receive the offering of an humble and contrite heart, and continue to afford that protection to my destitute family, which thou hast heretofore provided, and the Husband and Father will be alleviated.

DANVERS.

[TO BE CONTINUED.]

SATURDAY, APRIL 8, 1820.

THE novelty of the publication which we this day present to our readers, will, it is believed, attract the attention of many who have not as yet discerned the multitude of evils growing out of Imprisonment for Debt; and will perhaps, gain the notice of many a desultory reader. It cannot be expected by an enlightened public,

that a work emanating from this place should be conducted with much talent, our situation and our previous pursuits have not been literary. We have generally and almost universally, heretofore, obtained a livelihood by mercantile and mechanical industry—and while on this subject, we beg leave explicitly to state, that waging war as we are with the barbarous practice of Imprisonment for Debt, we shall most rigidly abstain from the mention of the names of any of those individuals who hold prisoners in confinement; and that scurrility and abuse shall never find a place in our columns. With these assurances, and the avowed object of the publication kept steadily in view, we ask the patronage of a liberal and generous community.

*** Mr. J. B. JANSEN having kindly volunteered his services to undertake the agency of this work, the public is respectfully informed that a Subscription Paper is left at his store, No. 15, Chatham-street, where those citizens who are favourable to the undertaking are invited to leave their signatures.

EXTRAORDINARY.

There is not a single person confined within the walls of the prison in Cambridge, in the County of Middlesex, Massachusetts, either for crime or debt. ISAAC TRAIN, Keeper.

April 4, 1820.

Discipline of the Prison.—We owe it to truth, justice, gratitude, and to ourselves, to state that there is not any thing in the regulations and discipline of the prison that meets our disapprobation. But that whilst virtue is respected, kindness esteemed, benevolence valued, and the precepts of Christianity followed, Thos. Lowndes, the keeper, has an irresistible claim upon every generous feeling of our hearts.

And we should be wanting in the discharge of our duty were we to omit to mention the polite and gentlemanly

deportment of the Turnkeys upon all occasions.

THE persons confined in the Debtors Prison, who were presented by Thomas Lowndes Esq. the keeper, with two loads of wood, beg leave to request him to accept their grateful thanks for his timely donation of this necessary article, when they were without the means of supply.

THE Legislature of New Jersey at their late session, have passed a law extending the limits of debtors to the whole of the County in which they may be confined. Under this new regulation it will be seen that Debtors have now an opportunity by their labor and industry to procure a maintenance for themselves and families.—What an example for our State to imitate, what an obligation of duty would our Legislature discharge by the enactment of a similar law.

Pennsylvania.—This great State has abolished Imprisonment for Debt, and has also enacted a law in relation to property real or personal taken in execution, which provides that all property levied upon in this manner shall be first appraised by citizens chosen for that purpose, and if at the public sale the same does not bring within two thirds of its appraised value, it shall not be sold.

Tennessee.—This new and flourishing State has by a recent act of her Legislature abolished Imprisonment for Debt.

WE have on hand several communications and affidavits relating to a description of beings called "Walk in the water Men," whose livelihood is obtained by bailing prisoners out of Goal for a stipulated fee—say to pro-

cure bail for \$500 a doœur of twenty-five dollars must be paid down, and then the Debtor is at large. It is our intention to expose this iniquitous business, and to exhibit them as creatures whom Debtors should avoid, for their work is mercenary, and their embrace is death. For this purpose we solicit information from gentlemen without the prison walls. In these developments the Legislative authority will perceive how utterly nugatory is Imprisonment for Debt, when the debtor is willing to become morally, though not civilly, guilty of something like Subornation of Perjury.

PERSECUTION.

Benjamin Loring, a respectable citizen of this city, and for many years a subaltern officer in the war of the Revolution, attached to the well known regiment of Artillery commanded by the late Col. Lamb, and of which the present Gen. Stevens was then Lieutenant. Col. is at last an inmate of the Debtors Prison, for a paltry sum due by him for costs in a recent attempt by a suitor at law for the recovery of a patrimony to which he is entitled by every obligation of law, and every principle of justice. This unfortunate man embarked in the Revolution at an early period and early age, and his patriotic bosom was filled with the most ardent wishes for his country's liberation. It was him who at the battle of Yorktown when Cornwallis surrendered at discretion, first saluted his ears with the patriotic and animating air of Yankee Doodle; officiating as drum major of the right of the American army, and displaced by the side of the illustrious Washington.

Temperate in his habits, industrious in his pursuits, and afflicted by constant disease, he is obliged to linger out an existence, in which his abilities might better be fixed in the Hospital than in the Debtors Prison. The total—

who feel an interest for the distress, calamity and misery of an old soldier, can find him here within these prison walls; and those gentlemen of the bar who would assist in doing justice to the war worn veteran, will find in this humble citizen an object worthy their kind and favorable regard. It was in absence from home during that trying period when desolation threatened our beloved country that he lost his father; that he also nearly lost the title to his parental estate. It was in those days that wills were not deemed necessary, but a deposit of the deeds of property in the hands of a friend, and the expressed wish of the person bequeathing were sufficient, without the formalities of a will.

This evidence of parental affection was placed in the hands of the late much respected S. Riker, Esq. with a verbal request that the same should be carried into effect. But alas! an untimely death prevented this excellent man from fulfilling the injunctions of his bequest. The evidences, however, are not lost, and time and justice will afford at last what has been delayed by imperious circumstances.

The lamp of the Revolution, which was lighted by integrity, cheered by justice, and consummated by valor, is not extinguishing. Suffer not the aged limbs of one who on every occasion have effect to circumstances, by the piercing life, and the heart thrilling at death, to groan under poverty and distress, as well as oppression.

REPORT of prisoners committed to, and discharged from the Debtors Prison of this city, from the third to the sixth inst.

April 3—	committed 8—	discharged 5
by court—	4—	0—
to line—	5—	3—
s above—	6—	6—
Hospital—	—	—
The total—	17—	14

Aggregate number of Prisoners, ending April 6.—45—Of these 21 are supplied with soup &c. by the Humane Society, having no other means of subsistence.

An instructive lesson is afforded in the above exhibit of prisoners confined, of the value of imprisoning an unfortunate debtor. Most of the persons now applicants, under the various laws for the relief of insolvent debtors, are among those who receive this inestimable charity.

TO CORRESPONDENTS.

The polite offer of that philanthropist and christian, John Vanderbilt, jr. esq. the Coroner, to furnish the conductors of this journal with memorandas of interesting incidents that may occur at his inquests, is acknowledged with every sentiment of gratitude and respect.

An interesting article on the subject of "The Middle-Hall Society" came too late for this day's paper; It shall have a conspicuous place in our next number.

MARRIED,

By the Rev. Mr. Bork, Mr. Morris Gassner, to Miss Maria Laure Wood, daughter of Mr. Israel Wood, all of this city.

DIED,

At Glenn's Falls, Hon. William Roberts, first Judge of the county of Warren.

At the city of Washington, Commodore STEPHEN DECATUR. He fell in a Duel with Com. Barron. He was interred with civil and Military honours. Among the mourners on this occasion was the President of the U. States, and the Members of both Houses of Congress, the Heads of Departments, Foreign Ministers, and the Civil authorities of the District of Columbia.

"How sleep the Braves who sink to rest,
"With all their countries honors blest."

The Genius of Columbia weeps! the American Eagle is stationary, and refuses the expansion of her wings; for our country laments the early death of one who braved the dangers of the seas and the thunder of battle to give glory to his native land! He has indeed done a deed at which valour itself must weep!

POETICAL DEPARTMENT.

For the Remembrancer.

THE BIRTH RIGHT OF FREEDOM.

By John Graham, Esq.

When the first dawn of Freedom appear'd in
the East,
The Genius of Tyranny shrank back with
wonder;

For the arm'd bird of Jove hover'd over the
guest,
Whilst Mars as her Herald, greeted Jove with
thunder.

Exclaiming behold,
Shall this maiden be sold,
And Freedom, fair Freedom be barter'd for
gold?

Jove swore by his Bird, that his Thunder he'd
wield,
In defence of fair Freedom in the embattle'd
field.

Jove swore, &c.

Old Time with his scythe, soon brought round
the Day,

When the maiden enthral'd was, by Tyranny's
power,
Her chains were most galling, in vain did she
pray,

From her Tyrant a boon, her birth right's
bright dower.

My Birth right, she cried,
Of all mankind the pride,
Is Liberty, which all the gods deified;

And though by enrapture elated you be,
The sure march of reason, will soon set me free;
Her words were prophetic, he shrank from the
fight,

And by Reason compell'd, soon restored her
Birth right.

At Lexington first, the dread struggle began,
Precursor of light, like the star of the morn-
ing,

With beams most refulgent announcing the sun,
Whose rays show'd the world young Liberty
dawning.

The Sun rising high,
Caused the Tyrant to fly,

While Liberty rear'd her blest standard on
high,

Then Tyranny fled o'er the far distant wave,
Leaving Freedom to guard still the home of the
brave,

Fell Tyranny forced from the blest shore to
room,

With the Despots of Europe quick found a
safe home.

Fair Liberty grew, both in stature and grace,
The bliss of her smiles caused Monarch's to
wonder,

Till fearing her charms would their power ef-
face,

They thought to assail her with the Cannon's
loud thunder.

But Eric's wide Lake

Caused the Tyrants to quake,

And the Cannon of Champlain in thunder the
spoke;

Cease, cease your attempt, your cause here
lost,

In defence of our Freedom, every arm is a host
'Tis our forefather's gift, and kind Heaven
behest,

Like the cloudless sun's ray, now illum-
East and West.

The foe here defeated, curs'd Liberty's away,
And flew from the field with dismay and con-
fusion,

Till *Beauty* and *Booty* first pointed the way,
For defeat from Orleans was by them deem'd
illusion.

But Mars from above,

When he saw their host move,

Quickly arm'd every Freeman with the thun-
der of Jove.

And the rough god of war, to dispel every foe
To Jackson surrender'd, his shield and
spear.

Thus arm'd by the god, Jackson led his ho-
st on,

While Liberty cried, Jove protect thee
son!

Her prayer was heard, for the famed bird
Jove,

Bore her in the air to behold the commotion,
But before she ascended she imparted her love
Which inflamed every Freeman, with ardent
devotion.

Their soil to defend,

Nor to Tyranny 'ere bend.

Though Despots of Europe, their millions
should send,

For exulting they cried, Be this still our boast
Every arm of a Freeman, in itself is a host,

The manes of our sires, now nerves every
arm,

And be wither'd each heart that now
alarm.

The foe quick rush'd on, in confident pride,
And vow'd Freedom's symbols from the earth
should be hurl'd,

But the armour of Mars each attack could
ride,

And show'd, when united we're a man
for the world.

The battle grew bright,

Gibbs led on the fight,

Whilst Packenham cried, we'll have B-
to-night.

But the gods in full council his fate had
creed,

And declared that their daughter from each
should be freed.

The Cannon of Freedom every foe per-
sue,

And the pride of the world still exist in
might.